

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**December 4, 2014**



**Conditional Use Permit case no. CU14-15: Russell Lambert**

**CASE DESCRIPTION:** request for approval of a Conditional Use Permit, to allow a concrete crushing operation on property in an Agricultural – Open (A-O) zoning district

**LOCATION:** 4930 Sandy Point Road, being 70 acres of land located north of Sandy Point Road between Lee Morrison Lane and the intersection of Sandy Point Road and North Harvey Mitchell Parkway/FM 2818

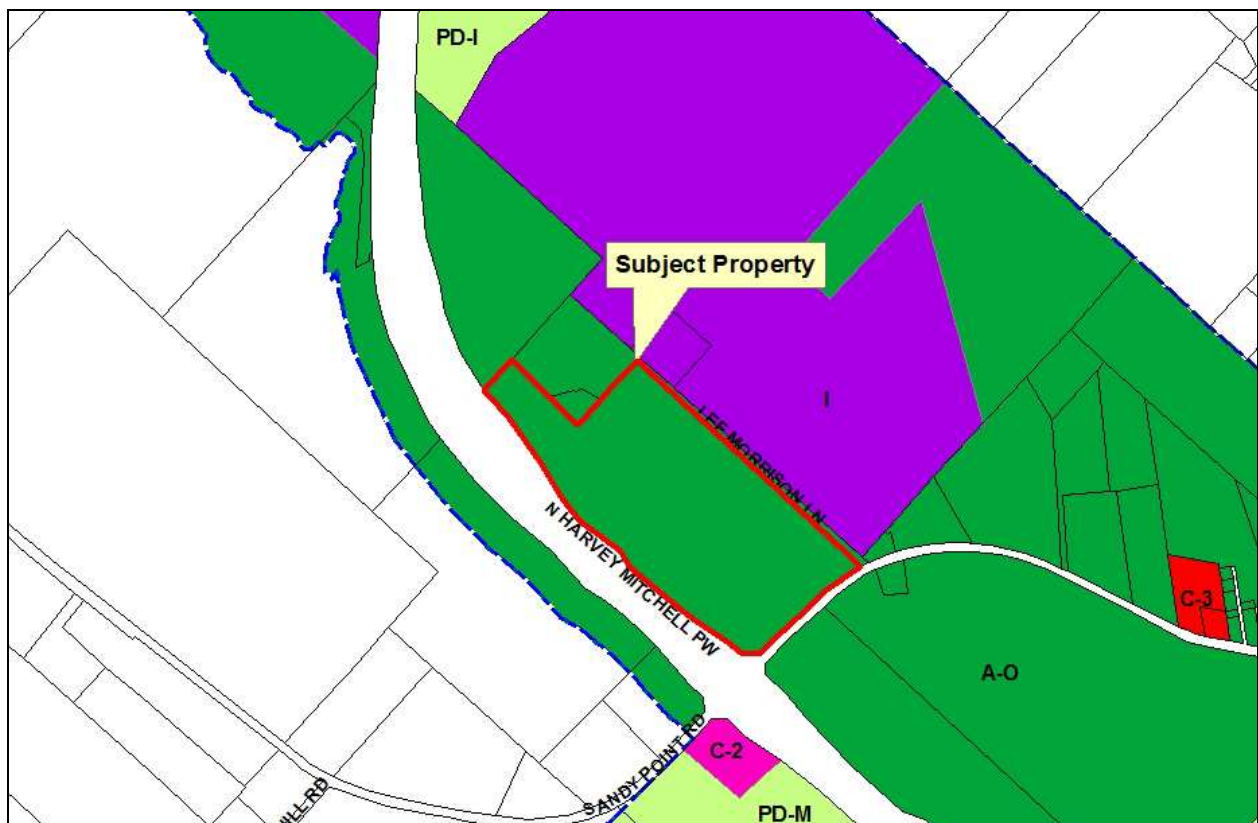
**LEGAL DESCRIPTION:** A014501, H. Jones (ICL), Tract 3, 70.77 Acres

**EXISTING LAND USE:** vacant land

**APPLICANT(S):** Russell Lambert

**STAFF CONTACT:** Randy Haynes, Senior Planner

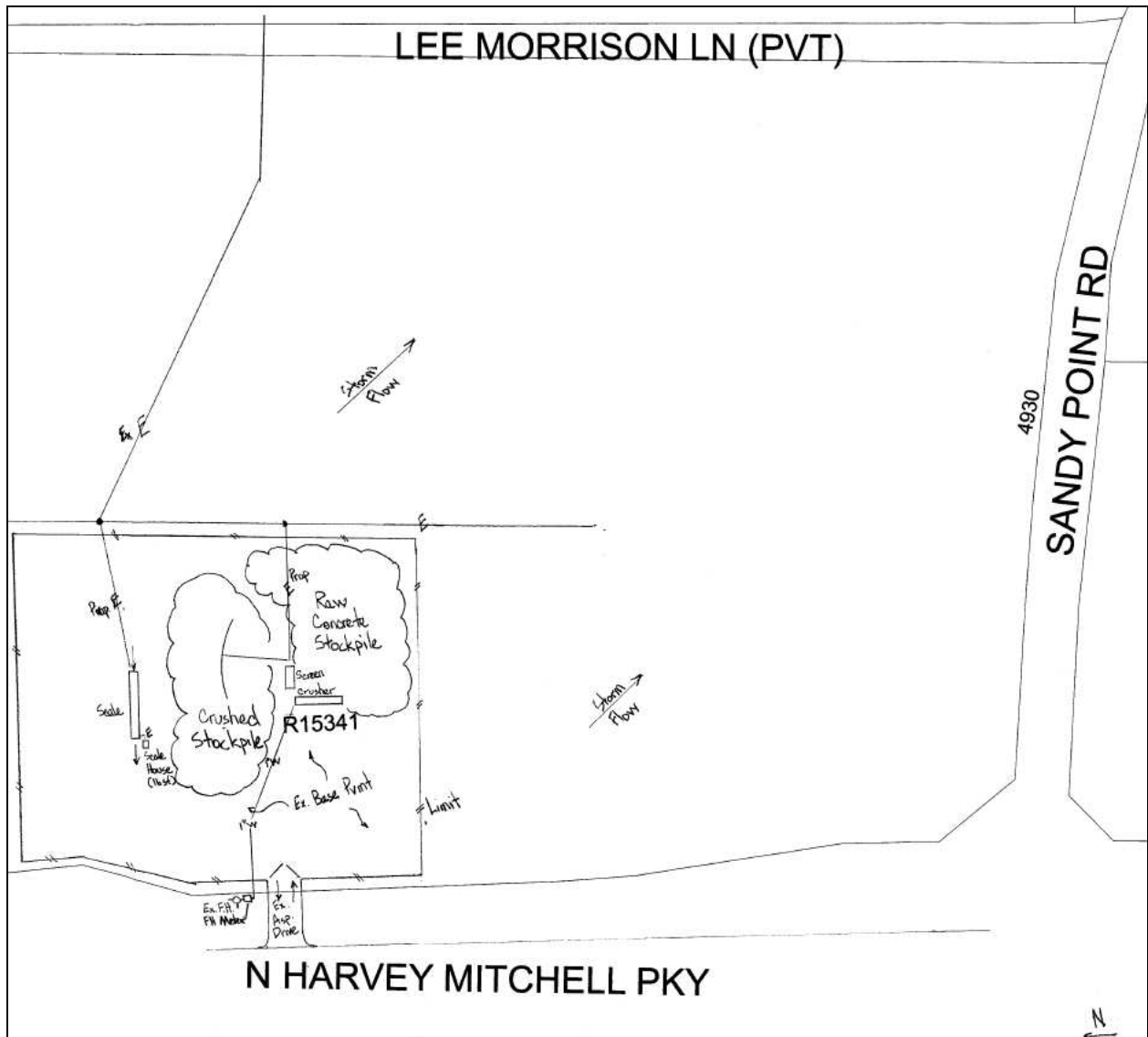
**SUMMARY RECOMMENDATION:** Staff recommends **approving** this request.



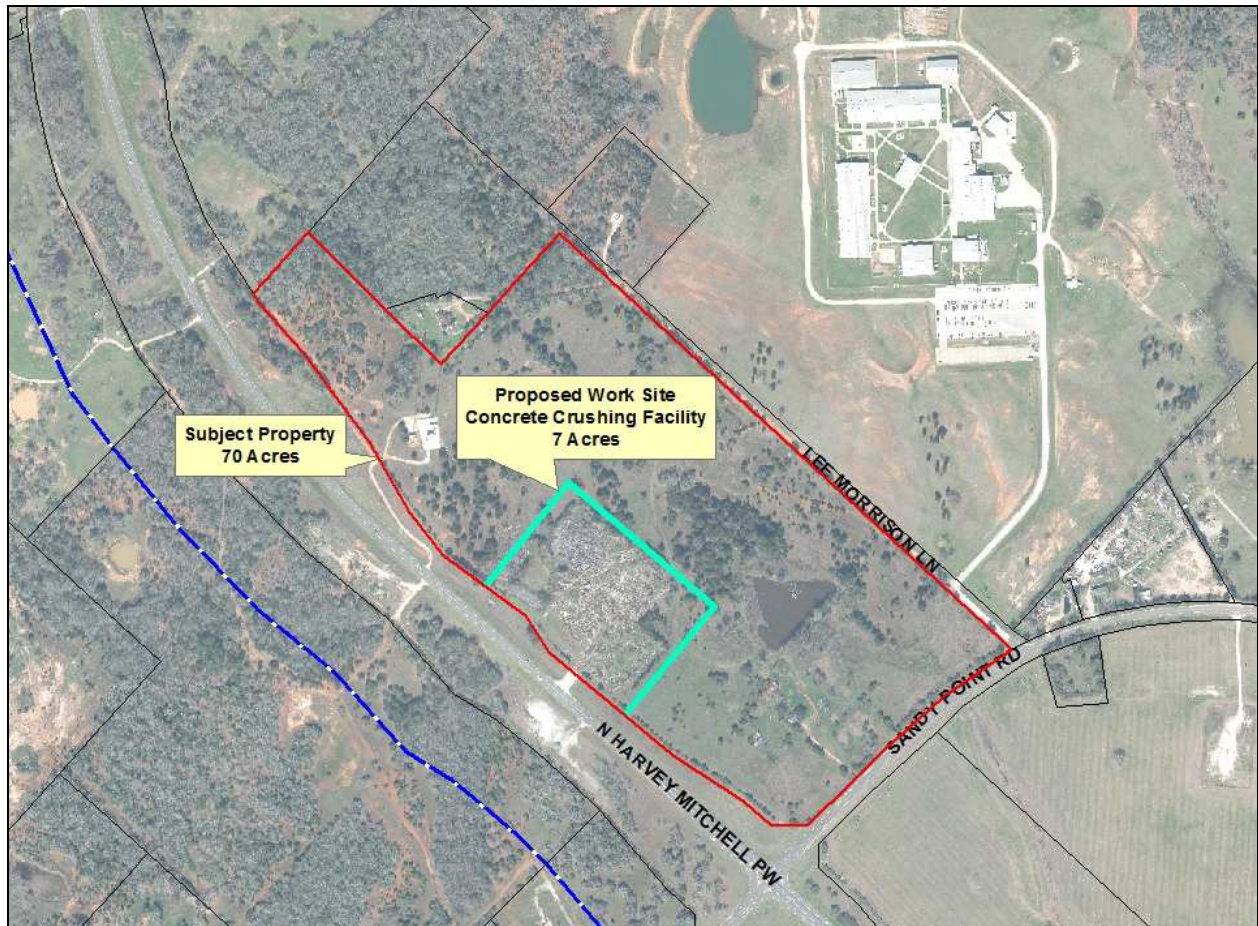
**2013 AERIALS:**



**SITE PLAN:**







## BACKGROUND:

The applicant, Mr. Russell Lambert, is requesting approval of a Conditional Use Permit, to allow the operation of a concrete crushing facility on the subject property. The subject tract is approximately 70 acres of land adjoining the northeast side of North Harvey Mitchell Parkway / FM 2818, north of Sandy Point Road and addressed as 4930 Sandy Point Road. Existing area land uses consist of the Texas Department of Corrections J. W. Hamilton Unit, which was built in 1997, occupies 350 acres on land zoned Industrial District (I) to the east of the subject property. Other than the prison, the land surrounding the subject tract is largely undeveloped and has remained zoned Agricultural-Open District (A-O). The intersection of Sandy Point Road and North Harvey Mitchell Parkway / FM 2818 lies approximately 1,000 feet to the southeast. At the southern corner of that intersection there is a vacant 6-acre tract zoned Retail District (C-2).

The proposed working site on the subject property is only about 7 acres in size and has been, for many years, covered with concrete debris. The applicant wishes to install equipment to crush, weigh, and load scrap concrete on this 7-acre site in order to process the material that is already there and also to accept and process other scrap concrete produced by area construction projects. The applicant proposes to arrange the operation as shown on the site plan. The site plan indicates that only equipment will be placed on the property; no permanent structures are proposed to be installed. As shown, truck traffic will be one-way through the facility. Trucks will enter from North Harvey Mitchell Parkway / FM 2818 and exit via Lee Morrison Lane to Sandy Point Road. Adequate public infrastructure exists to provide water to the

site. In addition to being available to the Fire Department in case of emergency, sprayed water will be utilized as a dust control measure.

Crushed or recycled concrete is commonly used for sub-base material for roadways. Larger chunks may also be used for revetment structures to control soil erosion. The practice of recycling concrete has a variety of benefits including;

- keeping concrete debris out of landfills saves landfill space;
- using recycled material as gravel reduces the need for gravel mining; and
- typically reduces the expense and pollution involved in trucking material.

The A-O District provides a zoning classification to regulate uses and development of undeveloped land typically located on the edges of Bryan. The types of uses, area, and intensity of uses permitted in this district encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made. The A-O District is also intended to protect areas that may be unsuitable for development because of physical problems, lack of infrastructure, space constraints, or potential health or safety hazards such as flooding, as well as providing for preservation of natural open space areas.

The purpose of the Conditional Use Permit process is to identify those uses which might be appropriate within a zoning district but, due to either their location, function, or operation, could have a potentially harmful impact on adjacent properties or the surrounding area, and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate such adverse impacts.

## **RELATION TO BRYAN'S COMPREHENSIVE PLAN:**

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community.

### **5.5 Land Use Policies**

Because of Bryan's unique pattern of development, it was decided that well-formulated land use policies in conjunction with a graphical representation of those policies (a future land use map) should guide decision-makers when considering development proposals. These land use policies were developed and refined by the Comprehensive Plan Advisory Committee (CPAC) over the course of several months. Two types of policies were developed: policy statements that refer to general land use relationships and use-specific policies that refer to specific land use categories. Both general and land use-specific policies should be considered and weighed in any given instance to achieve the goals and objectives of this Comprehensive Plan. These policies that follow are the fundamental guidelines for land planning in Bryan.

#### **Citywide Land Use Policies**

All land uses should be located such that:

- Appropriate buffers separate dissimilar uses. Buffers include, but may not be limited to transitional land uses, floodplain areas, parks, landscaping or natural and man-made features.

#### **Use-Specific Land Use Policies**

The land uses listed below should meet all of the specific policies below in addition to the Citywide Policies listed above.

**Industrial** land provides locations for manufacturing activities where impacts to less intense uses can be substantially buffered. These uses should be located in areas that are along arterial thoroughfares, in proximity to freeways, rail lines and/or areas with access to airports or other transportation outlets.

## **ANALYSIS:**

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

**If approved as proposed, a concrete crushing facility at this location will conform to all applicable regulations and standards established by the Zoning Ordinance. The large space buffering the operation from future less intensive uses complies with adopted land use policies in the 2006 Comprehensive Plan.**

2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

**As there is very little existing development along this segment of North Harvey Mitchell Parkway / FM 2818, and the zoning of the surrounding property does not permit intense development, staff contends that the proposed concrete crushing facility will be compatible with the generally rural nature of the area.**

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

**Staff does not believe that the proposed use of the subject property for a concrete crushing facility will create greater unfavorable impacts on existing or permitted uses on abutting sites than, for example animal feed lots, poultry farms or a sanitary landfill. All of which would be permitted by right in the A-O District without prior Conditional Use Permit approval.**

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

**The arrangement of the proposed facility, being located along the North Harvey Mitchell Parkway / FM 2818 in a largely undeveloped area allows for reasonable handling of expected truck traffic. As proposed, truck traffic will pass one-way through the site, trucks entering off of North Harvey Mitchell Parkway / FM 2818 and exiting onto Sandy Point Road.**

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

**No additional impact concerning erosion, flood or water damage, fire and other hazards are expected with the proposed use of this subject property as a concrete crushing facility.**

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

**The proposed site plan that will govern the requested conditional use permit depicts no additional lighting or signage. Any such additions to the site will conform to existing standards for lighting and signage outlined in the City of Bryan Code of Ordinances.**

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

**Off-street parking and loading facilities adequate for the proposed use are present on the subject site.**

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

**The stated purpose of the A-O zoning district is encourage and protect agricultural and other uses until urbanization is warranted and the appropriate change in district classification is made. Staff believes that a concrete crushing facility at this particular location conforms to these objectives.**

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

**As per the attached site plan, potential negative effects on surrounding properties generated by the proposed concrete crushing facility will be mitigated by the large open areas surrounding the actual working area.**

10. Whether the premises or structures are suitable for the proposed conditional use.

**Staff submits that the location of the subject property, in an area that is largely undeveloped and in need of the disposal of 7 acres of concrete debris, is uniquely suited to the proposed use.**

#### **RECOMMENDATION:**

Staff recommends **approving** a Conditional Use Permit to allow a concrete crushing operation at this particular location.